



Written by [Joe Wolverton, II, J.D.](#) on June 18, 2013

Rand Paul Immigration Amendment Aims to Prevent Voter Fraud

On Monday, June 17, Senator Rand Paul (R-Ky., shown) once again stepped into the breach and tried to compensate for the failure of his colleagues to affect common sense, constitutional immigration reform.

Paul's latest effort came in the form of the "Secure the Vote" amendment to the immigration bill currently pending before the Senate.

The amendment offered by Paul protects the sanctity of the ballot box by ensuring that those present in the United States on work visas or who receive immigration status under provisions of the larger legislation are prevented from voting until they become U.S. citizens.

As part of the process, new procedures will be established to assist states in assuring that those on work visas or who have gained status under the Gang of Eight's woeful immigration package have not registered to vote illegally.

"Not only would this amendment prevent voter fraud, it would also clear up the problem created by today's Supreme Court decision. My amendment requires states to check citizenship before registering people to vote in federal elections," [Senator Paul said](#).

The [Supreme Court decision referred to by Paul](#) struck down by a 7-2 vote an Arizona law requiring proof of citizenship for voters. The justices claim that states cannot constitutionally require voters to demonstrate proof of American citizenship.

The majority held that such requirements violate the 1993 federal law validating voter registration by a form wherein the person swears he or she is a citizen and thus legally qualified to vote.

A [document released by Senator Paul's office](#) outlines how his proposal will prevent voter fraud:

- **Federal Funding Conditions** — Federal election funding is conditioned on states checking voters against a visa database to ensure legal voting. States that do not implement verification procedures in federal elections within one year will also lose ten percent of their federal highway funds.

The Department of Homeland Security must certify to Congress each year those states or the District of Columbia that have registered noncitizens to vote.

- **Affidavit and Penalties** — Registered Provisional Immigrants, temporary and employment-based visa holders, refugees and other visa holders must provide the following: An affidavit that they have not voted illegally in the past. Will not register to vote until they become citizens.

Registered Provisional Immigrants, temporary and employment-based visa holders, refugees and





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other visa holders are barred from receiving such status or visas if they registered to vote or voted in any prior federal election.

- Department of Homeland Security Verification — The DHS must verify that applicants have not registered or voted before granting status.

The DHS must immediately provide all states with access to its visa databases and other immigrant databases for verification of the status of registered voters and all individuals applying to register to vote.

- Bars to Legal Status — Registered Provisional Immigrants, temporary and employment-based visa holders, refugees and other visa holders who receive such status or visas and then illegally register to vote or vote in any federal elections will not be eligible to apply for permanent residence or citizenship.

Although Senator Paul's proposal allows states to access federal visa databases, the libertarian-leaning conservative has come out against the issuing of any sort of national ID card.

Any attempt to create such a database or federal ID requirement for citizens is blocked by another amendment Paul plans to offer — Trust but Verify.

On May 24 Paul [penned an op-ed in the *Washington Times*](#) advocating an end to calls for a national ID, such as that proposed by the REAL ID Act. Paul wrote:

The controversial immigration-reform bill that passed the Senate Judiciary Committee this week is expected to be considered by the Senate in June. Many see measures contained in this bill, such as a strong E-Verify and a "photo tool," as a means to control unlawful immigrants' access to unlawful employment. I worry that they go too far.

I think there are better ideas that err on the side of individual privacy while still strengthening our borders. We should scrap a national identification database and pass immigration reform that secures the border, expands existing work-visa programs and prevents noncitizens from access to welfare. These simple ideas will eliminate the perceived need for an invasive worker-verification system and a government citizenship database.

I am against the idea that American citizens should be forced to carry around a National Identification Card as a condition of citizenship. I worry that the Senate is working to consider a series of little-noticed provisions in comprehensive immigration reform that may provide a pathway to a national ID card for all individuals present in the United States — citizens and noncitizens. These draconian ideas would simply give government too much power.

Such a forceful foreclosure of federal infringements of core civil rights is paramount. There is, however, room for Christian care for one's neighbor.

In [remarks on June 12 during a speech at a forum on immigration](#), organized by the National Hispanic Christian Leadership Conference and Latino Partnership for Conservative Principles, Senator Paul put a very personal and compassionate face on an issue that is often reduced to numbers and vitriol. Paul said:

We're not talking about criminals; we're talking about immigrant workers caught up in a failed government visa program.

I think it's always important that we put a human face on immigration and not just talk about



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numbers and statistics.

I can't think about immigration without thinking about my own family.

My German great-grandparents didn't speak much English when they came to America. They didn't have much, but they also didn't ask for much — all they wanted was an opportunity.

Senator Paul's efforts to restore reason to the immigration debate are praiseworthy. Protecting the vote from fraud — by immigrants or anyone — is critical if the American people's faith in elections is to be preserved.

Furthermore, there are few legislative endeavors more worthwhile than preventing even the first step toward a gulag state where citizens/suspects are required to carry papers with them at all times.

There is, however, one glaring constitutional issue that is being ignored, even by those such as Senator Paul who reliably ride to the defense of the Constitution.

Nearly the entire universe of authority delegated to the Congress of the United States is contained with [Article I, Section 8](#) of the Constitution. Not one of the roughly 20 powers listed authorizes Congress *at all*, not to mention exclusively, to establish immigration policy.

The closest the Constitution comes to placing anything even incidentally related to immigration within the bailiwick of Congress is found in the clause of Article I, Section 8 that empowers Congress to "establish an uniform Rule of Naturalization."

That's it. There is no other mention of immigration in the text of the Constitution. Somehow, though, the enemies of state sovereignty and enumerated powers have extrapolated from that scant reference to "naturalization" the exclusive and unimpeachable right to legislate in the arena of immigration.

The difference between immigration and naturalization is one of definition. Immigration is the act of coming to a country of which one is not a native.

Naturalization, however, is defined as the conference upon an alien of the rights and privileges of a citizen. It is difficult to understand how so many lawyers, judges, and legislators (most of whom are/were lawyers) can innocently confuse these two terms.

Before the states sent delegates to a convention in Philadelphia in 1787 to amend the Articles of Confederation (the result of which was the Constitution), they had years of experience policing their sovereign borders, setting rules governing the means by which one could lawfully enter the state. That is to say, they were policing the immigration of aliens, an act undeniably within their right as a sovereign government.

On not one single occasion during that summer of 1787 did any one of the 55 (on and off) representatives of the 13 states suggest the endowment of the new federal government with the authority to set immigration policy for the entire nation. That is significant. Not even the most strident advocate of a powerful national government ever proposed granting the power in question to the central authority.

Again, Paul's proposals are laudable and are necessary to thwart the federal assault on liberty contained in the immigration bill.

However, perhaps every member of the Senate and House should be required to take a refresher course on the Constitution, the concept of federalism, and the right of states to rule on matters not specifically placed within the narrow boundaries of federal power.



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Photo of Sen. Rand Paul: AP Images

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